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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,851	08/22/2003	Brian Willis	13909-139001 / 2003P00607	8123
32864	7590	12/04/2006	EXAMINER	
FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			POLLACK, MELVIN H	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,851

Applicant(s)

WILLIS, BRIAN

Examiner

Melvin H. Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/22/04, 6/7/04, 5/3/04</u> | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 13-21, 24-28, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al. (6,400,381) in view of Malet et al. (6,347,332).

3. For claim 1, Barrett teaches a method (abstract; col. 1, line 1 – col. 3, line 25; col. 6, lines 35-65) comprising:

- a. Determining a media asset (col. 4, lines 20-65), the media asset including content (col. 4, lines 55-57) and content metadata (col. 5, lines 50-65);
- b. Establishing a discussion forum associated with the term, based on the term and the content metadata (col. 4, line 65 – col. 5, line 15);
- c. Linking the term and the discussion forum (col. 5, line 65 – col. 6, line 30); and
- d. Delivering the media asset, including the term linked to the discussion forum, to a first user (col. 5, lines 10-25).

4. Barrett does not expressly disclose the content metadata having been associated with a term within the content. Malet teaches a method and system (abstract) of developing discussion forums relevant to content data (col. 1, line 1 – col. 4, line 40; col. 15, lines 5-45) wherein metadata is associated with the content (col. 1, lines 25-40). At the time the invention was made,

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one of ordinary skill in the art would have added Malet to Barrett in order to improve the linkage between content and discussion forums (col. 2, lines 40-45).

5. For claim 2, Barrett teaches wherein delivering the media asset to the first user comprises:

- a. Distinguishing the term within a first user display associated with the first user (col. 5, lines 1-35); and
- b. Accepting a first selection of the term by the first user (col. 5, lines 35-50).

6. For claim 3, Barrett teaches providing a membership option to the first user, based on the first selection (col. 4, lines 20-40).

7. For claim 4, Barrett teaches delivering the media asset to a second user (col. 5, lines 25-35), wherein delivering the media asset to the second user comprises:

- a. Distinguishing the term within a second user display associated with the second user (col. 5, lines 1-35); and
- b. Accepting a second selection of the term by the second user (col. 5, lines 35-50).

8. For claim 5, Barrett teaches that determining the media asset comprises determining a first media asset and a second media asset, each containing the term (col. 5, line 50 – col. 6, line 30).

9. For claim 6, Barrett teaches wherein delivering the media asset to the first user comprises delivering the first media asset to the first user, and delivering the media asset to the second user comprises delivering the second media asset to the second user (col. 6, lines 30-35).

10. For claim 13, Barrett does not expressly disclose determining the media asset includes selecting the media asset based on preference information associated with the first user. Malet

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teaches this limitation (col. 12, lines 55-65). At the time the invention was made, one of ordinary skill in the art would have added Malet to Barrett in order to improve the linkage between content and discussion forums (col. 2, lines 40-45).

11. For claim 14, Barrett teaches wherein the content metadata includes preference indication information (col. 5, lines 50-65), and wherein establishing the discussion forum associated with the term comprises registering the first user as a member of the discussion forum based on preference information received from the first user with respect to the preference indication information (col. 5, line 65 – col. 6, line 30).

12. For claim 15, Barrett teaches wherein the content metadata includes membership indication information (col. 4, lines 20-65), and wherein establishing the discussion forum associated with the term comprises registering the first user as a member of the discussion forum based on preference information received from the first user with respect to the membership indication information (col. 5, line 65 – col. 6, line 30).

13. For claim 16, Barrett teaches an apparatus comprising a storage medium having instructions stored thereon (abstract; col. 1, line 1 – col. 3, line 25; col. 6, lines 35-65), the instructions including:

- a. A first code segment for presenting a media asset (col. 4, lines 20-65);
- b. A second code segment for identifying a content element of the media asset on a user display (col. 3, lines 30-65), the content element having been selected from content of the media asset (col. 4, lines 55-57) and including content metadata (col. 5, lines 50-65);

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- c. A third code segment for connecting the content element to a discussion forum (col. 5, line 65 – col. 6, line 30), the discussion forum having been established with respect to the content element (col. 4, line 65 – col. 5, line 15); and
 - d. A fourth code segment for facilitating information exchange within the discussion forum (col. 5, lines 10-25).
14. Barrett does not expressly disclose the content metadata having been associated with a term within the content. Malet teaches a method and system (abstract) of developing discussion forums relevant to content data (col. 1, line 1 – col. 4, line 40; col. 15, lines 5-45) wherein metadata is associated with the content (col. 1, lines 25-40). At the time the invention was made, one of ordinary skill in the art would have added Malet to Barrett in order to improve the linkage between content and discussion forums (col. 2, lines 40-45).
15. For claim 17, Barrett does not expressly disclose wherein the first code segment comprises a fifth code segment for selecting the media asset based on preference information associated with a user of the user display. Malet teaches this limitation (col. 12, lines 55-65). At the time the invention was made, one of ordinary skill in the art would have added Malet to Barrett in order to improve the linkage between content and discussion forums (col. 2, lines 40-45).
16. For claim 18, Barrett does not expressly disclose wherein the fourth code segment comprises a sixth code segment for rendering the posting information with an ordering that is determined based on the preference information. Malet teaches this limitation (col. 12, lines 55-65). At the time the invention was made, one of ordinary skill in the art would have added Malet

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to Barrett in order to improve the linkage between content and discussion forums (col. 2, lines 40-45).

17. For claim 19, Barrett teaches wherein the fourth code segment comprises a fifth code segment for establishing membership of a recipient of the media asset in the discussion forum (col. 4, lines 20-65), based on user preference information associated with the recipient (col. 5, line 65 – col. 6, line 30).

18. For claim 20, Barrett does not expressly disclose wherein the fourth code segment comprises a fifth code segment for publishing posting information input by a plurality of users. Malet teaches this limitation (col. 12, line 15 – col. 13, line 50). At the time the invention was made, one of ordinary skill in the art would have added Malet to Barrett in order to improve the linkage between content and discussion forums (col. 2, lines 40-45).

19. For claim 21, Barrett does not expressly disclose wherein wherein the fourth code segment comprises a fifth code segment for maintaining opinion information about a first user, based on input of a second user. Malet teaches this limitation (col. 8, line 30 – col. 10, line 50). At the time the invention was made, one of ordinary skill in the art would have added Malet to Barrett in order to improve the linkage between content and discussion forums (col. 2, lines 40-45).

20. For claim 24, Barrett does not expressly disclose wherein the fourth code segment comprises a fifth code segment for selecting supplemental media assets having content related to the content element, and displaying the supplemental media assets in conjunction with the discussion forum. Malet discloses this limitation (col. 6, line 55 – col. 7, line 5). At the time the invention was made, one of ordinary skill in the art would have added Malet to Barrett in order to improve the linkage between content and discussion forums (col. 2, lines 40-45).

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21. For claim 25, Barrett teaches a system (abstract; col. 1, line 1 – col. 3, line 25; col. 6, lines 35-65) comprising:

- a. A media asset database (Fig. 1, #28) operable to store media asset information (col. 3, lines 30-50), the media asset information including media assets and discussion objects within content of the media assets (col. 4, lines 50-65), the discussion objects resulting from a selection from the content (col. 5, lines 50-65);
- b. A server operable to deliver selected media assets to a plurality of users (Fig. 1, #24), the selected media assets including at least a common discussion object (Fig. 3);
- c. A metadata presentation system operable to distinguish the common discussion object on user interfaces (Fig. 1, #26), each of the user interfaces being associated with one of the plurality of users (Fig. 2); and
- d. A discussion forum engine operable to associate the common discussion object with a discussion forum (Fig. 1, #26), the discussion forum having been established based on the selection of the common discussion object (Fig. 6).

22. Barrett does not expressly disclose a selection from the content for assignment of content metadata. Malet teaches a method and system (abstract) of developing discussion forums relevant to content data (col. 1, line 1 – col. 4, line 40; col. 15, lines 5-45) wherein metadata is associated with the content (col. 1, lines 25-40). At the time the invention was made, one of ordinary skill in the art would have added Malet to Barrett in order to improve the linkage between content and discussion forums (col. 2, lines 40-45).

23. For claim 26, Barrett teaches wherein the discussion forum engine is operable to provide a direct link from the common discussion object to the discussion forum (col. 5, lines 10-15).

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24. For claim 27, Barrett does not expressly disclose wherein the discussion forum engine is operable to publish and maintain posting information received from the plurality of users. Malet teaches this limitation (col. 8, lines 30-45). At the time the invention was made, one of ordinary skill in the art would have added Malet to Barrett in order to improve the linkage between content and discussion forums (col. 2, lines 40-45).

25. For claim 28, Barrett does not expressly disclose a preference database operable to store preference information associated with each of the users, wherein the server selects and presents the selected media assets based on the discussion objects and the preference information. Malet teaches this limitation (col. 12, lines 55-65). At the time the invention was made, one of ordinary skill in the art would have added Malet to Barrett in order to improve the linkage between content and discussion forums (col. 2, lines 40-45).

26. For claim 31, Barrett does not expressly disclose wherein the preference information is associated with the first user and includes user-specific preference information of the first user with respect to a second user, and further wherein the user-specific preference information determines a presentation of the posting information to the first user. Malet teaches this limitation (col. 12, lines 55-65). At the time the invention was made, one of ordinary skill in the art would have added Malet to Barrett in order to improve the linkage between content and discussion forums (col. 2, lines 40-45).

27. For claim 32, Barrett does not expressly disclose wherein the posting information is stored as a media asset within the media asset database. Malet teaches this limitation (col. 8, lines 30-45). At the time the invention was made, one of ordinary skill in the art would have

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added Malet to Barrett in order to improve the linkage between content and discussion forums (col. 2, lines 40-45).

28. For claim 33, Barrett teaches wherein the discussion forum engine is operable to establish the discussion forum prior to delivery of the media assets by the server to the users (col. 5, lines 1-25).

29. Claims 7-12, 22, 23, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett and Malet as applied to claims 1-6, 16, 21, 25, 28 above, and further in view of Olivier (6,480,885).

30. For claim 7, Barrett and Malet do not expressly disclose methods of registration. Olivier teaches a method (abstract) of developing group forums (col. 1, line 1 – col. 4, line 65) further comprising:

- a. Registering the first user as a member of the discussion forum (col. 9, line 15 – col. 10, line 60);
- b. Accepting posting information from users (Fig. 2, #216; col. 5, lines 15-40; col. 21, lines 50 – col. 26, line 45); and
- c. Publishing the posting information on the discussion forum (col. 5, lines 40-50; col. 8, lines 30-40).

31. At the time the invention was made, one of ordinary skill in the art would have added Olivier's page methods to Barrett and Malet in order to improve Barrett's method of assigning users to discussion groups (col. 2, lines 5-40).

32. For claim 8, Barrett and Malet do not expressly disclose establishing a user page that is uniquely associated with the first user, wherein establishing the user page comprises including the posting information within the user page. Olivier teaches this limitation (col. 25, lines 1-10). At the time the invention was made, one of ordinary skill in the art would have added Olivier's page methods to Barrett and Malet in order to improve Barrett's method of assigning users to discussion groups (col. 2, lines 5-40).

33. For claim 9, Barrett and Malet do not expressly disclose that the posting information includes only postings published by the first user on the discussion forum. Olivier teaches this limitation (col. 18, lines 30-55). At the time the invention was made, one of ordinary skill in the art would have added Olivier's page methods to Barrett and Malet in order to improve Barrett's method of assigning users to discussion groups (col. 2, lines 5-40).

34. For claim 10, Barrett and Malet do not expressly disclose wherein including the posting information comprises rendering the posting information with an ordering that is determined based on preference information about content of the posting information that is associated with the first user. Olivier teaches this limitation (col. 18, line 65 – col. 19, line 15). At the time the invention was made, one of ordinary skill in the art would have added Olivier's page methods to Barrett and Malet in order to improve Barrett's method of assigning users to discussion groups (col. 2, lines 5-40).

35. For claim 11, Barrett and Malet do not expressly disclose wherein the posting information includes a posting published by the second user, and further wherein the posting is located on the user page based on user-specific preference information that the first user has entered with respect to the second user. Olivier teaches this limitation (col. 18, lines 30-55 in

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view of col. 14, lines 30-55). At the time the invention was made, one of ordinary skill in the art would have added Olivier's page methods to Barrett and Malet in order to improve Barrett's method of assigning users to discussion groups (col. 2, lines 5-40).

36. For claim 12, Barrett and Malet do not expressly disclose wherein the posting information includes a posting published by the second user, and further wherein the posting is located on the user page based on user-specific preference information that users have entered with respect to the second user. Olivier teaches this limitation (col. 18, lines 30-55 in view of col. 14, lines 30-55). At the time the invention was made, one of ordinary skill in the art would have added Olivier's page methods to Barrett and Malet in order to improve Barrett's method of assigning users to discussion groups (col. 2, lines 5-40).

37. For claim 22, Barrett and Malet do not expressly disclose wherein the fourth code segment comprises a sixth code segment for displaying postings of the first user in the discussion forum to the second user, based on the opinion information. Olivier teaches this limitation Olivier teaches this limitation (col. 18, lines 30-55 in view of col. 14, lines 30-55). At the time the invention was made, one of ordinary skill in the art would have added Olivier's page methods to Barrett and Malet in order to improve Barrett's method of assigning users to discussion groups (col. 2, lines 5-40).

38. For claim 23, Barrett and Malet do not expressly disclose wherein the fourth code segment comprises a sixth code segment for displaying postings of the first user in the discussion forum to a third user, based on the opinion information. Olivier teaches this limitation Olivier teaches this limitation (col. 18, lines 30-55 in view of col. 14, lines 30-55). At the time the invention was made, one of ordinary skill in the art would have added Olivier's page methods to

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Barrett and Malet in order to improve Barrett's method of assigning users to discussion groups (col. 2, lines 5-40).

39. For claim 29, Barrett and Malet do not expressly disclose wherein the discussion forum engine is further operable to render the posting information with an ordering that is determined based on the preference information. Olivier teaches this limitation Olivier teaches this limitation (col. 18, lines 30-55 in view of col. 14, lines 30-55). At the time the invention was made, one of ordinary skill in the art would have added Olivier's page methods to Barrett and Malet in order to improve Barrett's method of assigning users to discussion groups (col. 2, lines 5-40).

40. For claim 30, Barrett and Malet do not expressly disclose wherein the discussion forum engine is operable to register a first user of the plurality of users as a member of the discussion forum. Olivier teaches this limitation (col. 9, line 15 – col. 10, line 60). At the time the invention was made, one of ordinary skill in the art would have added Olivier's page methods to Barrett and Malet in order to improve Barrett's method of assigning users to discussion groups (col. 2, lines 5-40).

Conclusion

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They regard further teachings on discussion forums, information ranking, and web page customization and authentication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887.

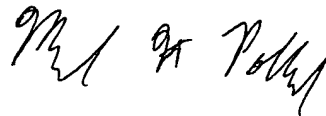
The examiner can normally be reached on 8:00-4:30 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melvin H Pollack
Examiner
Art Unit 2145



MHP
28 November 2006